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10/601,843	06/23/2003	Dixon S. Gimpel	2491.37US02	9545

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EXAMINER

MARSH, STEVEN M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/601,843

Applicant(s)

GIMPEL ET AL.

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18, 23-27, 30-33, 38, 39 and 47-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 30-33 and 39 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 12-14, 23-27, 38 and 47-51 is/are rejected.
- 7) ☐ Claim(s) 3-10 and 15-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11503 & 51004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is the first office action for U.S. Application 09/601,843 for a Framework Connection System filed by Dixon Gimpel on June 23, 2003.

#### ***Election/Restrictions***

Claims 19-22, 28, 29, 34-37, 40-46, and 52 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on December 13, 2004. The Examiner agrees with Applicant's argument that claim 12 is generic.

#### ***Claim Objections***

Claim 11 is objected to because of the following informalities: Claim 11, line 1, the word "disassembleable" should be deleted and replaced with - - disassemblable - -. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-18, and 23-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 12, line 12, Applicant claims

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“a connector pin having two pin end portions, wherein one of the pin end portions extends into the axially traversing connection aperture of the first member flange and the other of the pin end portions extend into the axially traversing connection aperture of the second member flange. However, it appears that there are two different connector pins that extend into the first and second member flanges, respectively. The claim is being examined to the best extend possible.

***Allowable Subject Matter***

Claims 11, 30-33, and 39 are allowed. Claims 3-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 16-18 and 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The following is an examiner's statement of reasons for allowance: The prior art does not disclose a portable disassemblable display with a tubular framework and a graphic display portion supported by the tubular framework, wherein the display has the following: a plurality of tubular segments that are at least two and one/half inches in diameter and including a first tubular segment and a second tubular segment, wherein each of the segments have two end portions that are removably conjoined with a hub connecting plate sandwiched therebetween, the hub connecting plate having at least one outwardly extending connecting plate having at least one outwardly extending connecting branch

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having a recess; a hub having a contoured side for engagement with the substantially cylindrical outer periphery of the conjoined tubular end portions, the hub further having a slot for receiving the at least one connecting branch and a securing member for engagement with the recess of the at least one connecting branch; at least one end portion of the tubular segment having a first flange portion and at least one end portion of the second tubular segment having a second flange portion, each of the flange portions having a radially extending securing aperture and a set screw and at least one axially extending pin recess, each of the set screws adjustable radially into and out of the respective securing apertures; wherein the first tubular end portion and the first flange portion are in axial alignment and confronting relationship with the second tubular end portion and the second flange portion, and the axially extending pin recess in the first flange portion is in alignment with the second axially extending pin recess in the second flange portion; and at least one connecting pin having an axis and extending between and into the aligned first and second axially extending pin recesses, the connecting pin having two set screw receiving regions engageable with respective set screws, whereby the first and second tubular segments are secured together forming axially conjoined tubular end portions. Nor does the prior art disclose a method of constructing a display from a tubular framework connection system, comprising the steps of proving the structure listed above.

The prior art also fails to disclose a system for constructing and assembling and disassembling a floor display according to a selectively modular configuration, wherein the system comprises the following: a plurality of tubular frame segments with two end

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portions having a bore extending axially therein and an outer circumferential surface; a plurality of connecting flanges adapted for axial alignable securement within the end portions of the tubular frame segments within the axial bore; a plurality of connecting plates adapted to confrontingly secure between the connecting flanges of axial aligned tubular frame segments and having at least one outwardly extending connecting branch; a plurality of hubs adapted to slidably engage the at least one connecting branch of the connecting plates and to engage the connecting flanges to provide for tubular frame segment connectivity; and wherein the plurality of tubular frame segments, the plurality of connecting flanges, the plurality of connecting plates, and the plurality of hubs create an assemblance framework of the floor display for supporting graphical displays and appurtenances.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-14, 24-27, 38, 47-51 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Application 5,536,097 to Hazan. Hazan discloses a framework system with a first tubular frame member (90) having two first member end portions having end portion apertures (holes at each end of the tube) and at least one first member flange (100) secured within at least one of the first member end portions. The first member flange having at least one axially traversing connection aperture (holes in the face of the flange) and a radially traversing securing aperture (96) in communication with the respective end portion aperture. There is a second tubular frame member (90) having two second member end portions having end portion apertures (holes at each end of the tube) and at least one second member flange (100) secured within at least one of the second member end portions. The second member flange having at least one axially traversing connection aperture (holes in the face of the flange) and a radially traversing securing aperture (96) in communication with the respective end portion aperture.

There are a connector pins (44) with radial grooves, having two pin end portions, wherein the pin end portions extend into the axially traversing connection aperture of the first member flange and the other pin end portions extend into the axially traversing connection apertures of the second member flange. The first and second tubular frame members are abutably conjoined (by 118) at the respective end portions and the connector pin end portions are secured in place by set screws (64) inserted through the radially traversing securing apertures of the first and second member flanges. At least one of the end portions of at least one of the first and second tubular frame members is

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adapted to securely axially receive an end cap or securely receive a base stand to provide standing floor support for the display. Claims 26 and 27 contain limitations to the base stand and a foot pod, but neither element is positively recited in the claims, and therefore the limitations are given no patentable weight. The display is constructed by a method comprising the steps of providing the above members and engaging the set screws with a connector pin.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazan. Hazan discloses framework with a plurality of metallic tubular segments (58 and 66) each of said plurality of tubular segments including a first tubular segment (58) and a second tubular segment (66). Each of the first and second tubular segments have two end portions, at least one end portion of the first tubular segment has a first flange portion (32), and at least one end portion of the second tubular segment has a second flange (32) portion at the respective end portions. Each of the flange portions has a radially extending set screw (64) and at least one axially extending pin recess (hole at end of the tube). Each of the set screws are adjustable radially into and out of the respective pin recesses and the first tubular end portion and the first flange portion are



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in axial alignment and a confronting relationship (there are four holes around the hub and the tubes can be inserted in the axially lined holes as well as the perpendicular holes) with the second tubular end portion and the second flange portion.

The axially extending pin recess in the first flange portion is in alignment with the second axially extending pin recess in the second flange portion and there is at least one connecting pin (44) having an axis that extends into and between the aligned first and second axially extending pin recesses. The connecting pin has two set screw receiving regions (each side) engageable with the respective set screws such that the first and second tubular segments are securable together forming axially aligned conjoined tubular segments and is axially centered within the first and second flange portions. Hazan does not specifically disclose the diameter of the tubes as two and one half inches, however the specific diameter is a matter of engineering preference that would have been obvious to one of ordinary skill in the art at the time of the present invention.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 4,838,003 to Zeigler

U.S. Patent 4,864,795 to Burg

U.S. Patent 5,024,037 to Ono

U.S. Patent 5,797,695 to Prusmack

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U.S. Patent 6,205,739 B1 to Newlin

U.S. Patent 6,854,238 B2 to Boots

U.S. Patent 6,675,546 B2 to Coles

U.S. Patent 6,196,568 B1 to Stevens

The above patents disclose various types of framework and tubular assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

*Shm*

Steven M. Marsh

February 21, 2005

*Ramon O. Ramirez*  
**RAMON O. RAMIREZ**  
**PRIMARY EXAMINER**